

**MANDATE**

*EDNY (c. Islip)*  
*05-cv-4345*  
*Hon. J. Seybert*

E.D.N.Y. – C.Islip.  
 05-cv-4345  
 05-cv-4296  
 Seybert, J.

**FILED**

IN CLERK'S OFFICE  
 U.S. DISTRICT COURT E.D.N.Y.

★ AUG 18 2009 ★

**LONG ISLAND OFFICE**

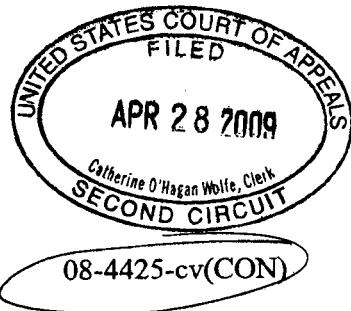
At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 28<sup>th</sup> day of April, two thousand nine.

Present:

Hon. Amalya L. Kearse,  
 Hon. Reena Raggi,  
 Hon. Debra Ann Livingston,  
*Circuit Judges.*

In Re DHB Industries, Inc. Class Action Litigation

In Re DHB Industries, Inc. Class Action Litigation



08-4425-cv(CON)

08-4429-cv(CON)

Defendant-appellee DHB Industries, Inc. ("DHB") has moved to dismiss the appeals filed by the United States under docket nos. 08-4425-cv(CON) and 08-4429-cv(CON); plaintiffs-appellees have joined in that motion. By motion dated April 14, 2009, the United States has withdrawn its opposition to DHB's motion and filed its own motion to dismiss the aforementioned appeals. Upon due consideration, it is hereby ORDERED that the government's motion, construed to be on consent of the parties, is GRANTED for lack of authority from the Solicitor General of the United States to pursue the appeals. The appeals filed under docket nos. 08-4425-cv(CON) and 08-4429-cv(CON) are therefore DISMISSED. It is further ORDERED that DHB's motion to dismiss is DENIED as moot.

FOR THE COURT:  
 Catherine O'Hagan Wolfe, Clerk

By: *[Signature]*

A TRUE COPY  
 Catherine O'Hagan Wolfe, Clerk

by *Brenda Morris*  
 DEPUTY CLERK